NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR EXTENSION OF TIME

In re Application of: KEVIN T. FOLEY ET AL.

Application No.: 10/734,161

For: METHODS FOR PERCUTANEOUS SURGERY

Filed: December 15, 2003

Group Art Unit: 3738

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated January 26, 2007, of the Primary Examiner finally rejecting Claims 1-9.

The items checked below are appropriate.

1.   [X]   Applicants hereby petition under 37 C.F.R. §1.136(a) for a three month extension of time to respond to the final rejection. The $1,020.00 extension fee under 37 C.F.R. §1.17 is being paid electronically.

2.   [   ]   A Petition for an additional ____ month extension of time to take further action, together with the $_____ extension fee under 37 C.F.R. §1.17, was filed on _____.

3. [X] Fee $500.00

    [ ] Fee $250.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)

        [X] Paid Electronically

        [ ] Not required (fee paid in prior appeal)

        [ ] Charge to Deposit Account No. 06-1205.

4. [X] Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. [X] Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

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Respectfully submitted,

Justin J. Oliver
Attorney for Applicants
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